

**Seneca Meadows
Statement of Justification
Preliminary Plan Amendment No. 11998004C
Site Plan Amendment No. 81998037A
Forest Conservation Plan Amendment No. F20250640**

I. Introduction

Pulte Home Company, LLC (the "Applicant") is submitting these Preliminary Plan, Site Plan and Forest Conservation Plan Amendments (collectively, the "Applications") for consideration by the Montgomery County Planning Board (the "Planning Board"), for the next phase of the mixed-use development known as "Seneca Meadows." Specifically, the Applicant seeks to amend the underlying approvals to convert the previously approved office use into a residential development, containing up to 72 townhomes, along with associated site improvements and amenities. The Applicant is also requesting elimination of Preliminary Plan Condition No. 7 for the release of the Covenant for Future Dedication for the previously contemplated Corridor Cities Transitway ("CCT") connection.

II. Property Description

The property is part of a larger development known as the Seneca Meadows Corporate Center¹, which consists of 11 Lots and six (6) Parcels on 156.50 acres of land located just east of Interstate 270, in the southeast quadrant of the intersection of Ridge Road and I-270 in Germantown, Maryland (the "Overall Property"). The Overall Property currently is developed with a mix of office, R&D, and commercial/retail/restaurant uses (including a Wegmans grocery store).

The property subject to these Applications is located on the north side of Seneca Meadows Parkway, approximately 815 feet west of its intersection with Observation Drive. (The "Subject Property"). The Subject Property is a trapezoidal site with limited frontage along Seneca Meadow Parkway and is more specifically known as Lot 12 and Parcel L in the "Seneca Meadow Corporate Center" subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 24284. The Subject Property includes 6.13 acres (or 267,134 square feet) of net lot area and, including prior right-of-way dedications, the Subject Property has a gross Tract area of 9.40 acres (or 409,474 square feet).

¹ The Overall Property is comprised of Lots 4, 9, 11, 12, 14-16, Parcel G and Parcel L in Block A, Lots 4-7, and Parcel B in Block B, and Parcels E and F in the "Seneca Meadows Corporate Center" Subdivision, as recorded among the Land Records at Plats No. 20493, 20987-20988, 21102-201103, 21148, 21259, 21564, 21773, 22003, 22571, 24283, and 24284. In addition to the platted lots and parcels, the Overall Property includes Parcel P125, an unplatted parcel.

This Application proposes to subdivide the Subject Property into 72 new lots and numerous open space/private street parcels, to facilitate the development of townhomes, along with associated public amenities.

A. Zoning and Permitted Uses

The Subject Property was previously zoned TMX-2 but was re-zoned CR-2.0, C-1.75, R-0.75, H 145T and located within the Germantown Transit Mixed Use Overlay zone in connection with District Map Amendment G-956 (adopted July 15, 2014 and effective October 30, 2014). Pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance, the Applicant is submitting these Amendments for review under the standards and procedures of the Montgomery County Zoning Ordinance in effect on October 29, 2014 (the "Prior Zoning Ordinance").

Pursuant to the Section 59-C-14.23 of the Prior Zoning Ordinance, "Residential, Dwellings" is a permitted use in the TMX-2 Zone (as well as the current CR Zone, under the classification of "Townhouse Living," pursuant to Section 3.1.6 of the current Zoning Ordinance). As discussed in this Statement, the Project satisfies the various requirements of the TMX-2 Zone and substantially conforms to the recommendations of the *2009 Approved and Adopted Germantown Employment Area Sector Plan* (the "Sector Plan").

B. Existing Conditions and Surrounding Development

A large portion of the Overall Property, including the site infrastructure, has already been built. In accordance with the existing approvals (summarized below), most of the commercial lots have been constructed. The Subject Property is one of only three remaining vacant parcels within the overall development. The Subject Property is bound by Ridge Road to the north, with a suburban office development known as Milestone located across Ridge Road. Abutting the Subject Property to the east is the Wegmans grocery store, which is part of The Shops at Seneca Meadows. Confronting the Subject Property to the south is a vacant parcel known as Lot 8. And Abutting the Subject Property to the east is the One-Life Fitness center and associated surface parking.

III. Prior Approvals

On December 18, 1997, the Planning Board approved Preliminary Plan No. 119980040 for the creation of 13 lots on 156.50 acres of land to allow for the overall development of up to 1,577,000 square feet of office/R&D space and 83,000 square feet of retail use on the Overall Property (the "Seneca Meadows Corporate Center"). The Planning Board subsequently approved a Preliminary Plan Amendment on July 27, 1998, for the abandonment and re-dedication of certain right of way. Preliminary Plan Amendment No. 11998004A was approved by the Planning Board on November 4, 2010 for the consolidation and reconfiguration of certain lots within the Overall Property, and the reallocation of density to facilitate additional retail development (*i.e.* reduction of the approved but unbuilt office by 257,300 square feet and addition of 123,570 square feet of

retail use) – In total, the Preliminary Plan Amendment approved up to 1,319,700 square feet of R&D/office use and 206,570 square feet of retail use.

The Planning Board has approved numerous Site Plans for the Overall Property. Relevant to this Application, the Planning Board approved Site Plan No. 8219980370 on July 29, 1998 for rough-grading of the entire Seneca Meadows Corporate Center development. The Site Plan did not include the development of any density.

IV. Overview of Plan Amendments

A. Preliminary Plan Amendment No. 12012021C

The Preliminary Plan Amendment seeks to convert the approved office use into residential density. Additionally, the Applicant is seeking to extinguish the deed for future dedication required for Parcel L, as it is no longer necessary to accommodate the Corridor Cities Transitway (“CCT”) previously envisioned. Instead, the Applicant is proposing to construct a 10-foot wide shared use path that will provide pedestrian and bicycle connectivity between Ridge Road and Seneca Meadows Parkway. To accomplish this, the Applicant is proposing to amend condition No. 1 and eliminate condition No. 7 as follows:

1. Approval under this Preliminary Plan amendment is limited to ~~1,319,700~~ 1,157,299 square feet of R&D office use, ~~and 206,570 square feet of retail use~~ and 162,401 square feet of residential use.

7. ~~The record plat(s) for proposed Lots 11 and 12, and Parcel L, will note that these properties are subject to a covenant with Montgomery County regarding use of, and future access to, Parcel L by Lots 11 and 12. The text of the covenant to be recorded covering the properties will be in accordance with terms and conditions contained in an MCDOT letter dated October 5, 2010. The Liber and Folio of the recorded covenant must be placed on the record plat(s).~~

B. Site Plan Amendment No. 81998037A

As mentioned above, Site Plan No. 819980370 approved rough-grading for the overall Seneca Meadows Corporate Center. The Applicant is merely seeking to amend the Site Plan to facilitate this next phase of development on the Subject Property.

V. Proposed Development

The Applicant proposes to develop a total of 72 townhouse units on the Subject Property, including 12.5% Moderately Priced Dwelling Units (“MPDUs”), in accordance with the requirements of Chapter 25A of the Montgomery County Code. As discussed above, the Subject Property is part of the larger Seneca Meadows Corporate Center.

The Subject Property was previously approved for commercial use; however, in response to current market demands and the County’s identified need for additional housing, the Applicant

is proposing to convert the previously approved office use into townhomes. The proposed townhome development will complement the existing retail/service uses, which include, but are not limited to, a 124,650-square-foot grocery store, various restaurants, and a 63,000-square-foot gym located immediately south of the Property. Importantly, the Project will increase the supply of housing in Germantown, and enhance pedestrian and cyclist connectivity, by activating the street frontage along Seneca Meadows Parkway and creating a new pedestrian/bicycle connection between Seneca Meadows Parkway and Ridge Road.

The placement and design of the townhomes are intended to frame and enliven the central open space, as well as the internal and external street network. To this end, the Project has been designed to incorporate rear-loaded units, wherever feasible. Front loaded units are only proposed on the northern edge of the site. The site layout responds to its immediate surroundings. Although the Property has limited frontage on Seneca Meadows Parkway, townhomes have been oriented along the street, with individual lead walks connecting the front of these units to the public sidewalk. On the eastern edge of the Property, the townhomes have been oriented to front onto linear neighborhood greens, which provide additional pedestrian connections into the site from the proposed shared use path, while simultaneously responding to the adjacent back-of-house loading for the Wegmans grocery store. The remaining units have been designed to front onto the internal private streets or the central open spaces. This layout fosters a cohesive sense of community and creates a safe, pedestrian-friendly environment for future residents.

As discussed in greater detail below, the architecture emphasizes a pedestrian-friendly scale and contributes to a strong sense of place within the community. A variety of exterior materials and design elements are used to break up the overall building mass and enhance visual interest along the streetscape. Additionally, the Project incorporates thoughtful screening with landscaping and street trees to enhance privacy and soften the built form.

A. Building Architecture

Careful consideration has been given to the design of the townhomes to ensure that they complement the surrounding community. The building façades will include quality residential materials and design elements, such as brick masonry, siding, projecting bays, and decorative trim. The design of the townhomes will incorporate several different elevations, while utilizing various combinations of these materials and architectural elements, to provide visual interest and varied design. The townhomes are vertically articulated to clearly distinguish individual units, thereby avoiding the appearance of a single, continuous block and reinforcing the residential character of the development. The townhomes have no blank sides, which promotes both natural light within the units and visual interest.

As mentioned above, the townhomes have been strategically oriented to define and activate the central open space and surrounding street network. To achieve this, the layout prioritizes rear-loaded units wherever site conditions allow, enhancing the pedestrian experience and internal

connectivity. Front-loaded units are confined to the northern edge of the site, where that orientation is most appropriate given the adjacent interchange and major roadway.

B. Open Space

Pursuant to Section 59-C-14.243 of the Prior Zoning Ordinance, the Project is required to provide 10% of the net lot area (or 26,714 square feet) as public use space. The Project meets this requirement. The open space for the Project is comprised of two main components, both a central and linear park.

The central park is framed by the internal private streets and individual townhouse units. The central park includes two main complementary spaces that span both sides of the internal private street. The open space on the northern side of the street is envisioned to include approximately 4000 square feet of ‘active’ open space consisting of lawn with perimeter landscaping, playground equipment for 2-5yr olds, and seating. The open space on the southern side of the street will include approximately 5000 square feet of ‘passive’ open space consisting of lawn with perimeter landscaping and several seating areas.

The linear park is located on the eastern edge of the Subject Property and is organized around a 10-foot wide shared-use path that provide bicycle and pedestrian connectivity between Seneca Meadows Parkway and Ridge Road. The linear park will include various seating and resting opportunities, shade along the pathway, with the goal of encouraging informal social interactions.

C. Pedestrian and Vehicular Circulation

Vehicular access is provided from Seneca Meadows Parkway in the approximate location of the existing vehicular curb cut. However, the Project proposes to adjust the alignment of the existing access drive to create a more visually appealing entrance to this residential development.

The Overall Project is organized around a series of private streets, which create a pedestrian-oriented street network. In response to Staff feedback, the Applicant has revised the Project layout to facilitate potential future vehicular and pedestrian connections to the east and west, if and when those adjacent parcels redevelop. Additionally, the Applicant is seeking to recapture Parcel L, which was previously intended to serve as right-of-way for the CCT, which is no longer needed based on the re-envisioned Corridor Forward Plan. This area will continue to provide stormwater management and will serve as a pedestrian and bicycle connection between Seneca Meadows Parkway and Ridge Road. Specifically, the Applicant is proposing to construct a 10-foot-wide shared use path with various seating opportunities and shade.

As discussed above, the majority of the townhomes have been oriented to front directly on the internal and external streets to define and activate the pedestrian environment. The proposed

street network and building orientation reinforces a walkable, community-oriented development pattern that promotes safety, connectivity, and social interaction.

D. Parking and Loading

The Project will provide adequate parking on-site to accommodate residents and their visitors and guests. Parking for the townhouse units will be provided through in-unit parking garages and/or driveways (for the front-loaded units). Additional visitor parking will be provided along the internal streets.

Section 59-E-3.7 requires two parking spaces for each one-family dwelling unit. This results in a minimum parking requirement of 144 parking spaces on-site. The Property will provide a total of 144 parking spaces for residents and 26 on-street public/visitor spaces.

VI. Sector Plan and Design Guidelines

The Property is subject to the 2009 Approved and Adopted Germantown Employment Area Sector Plan. The Project substantially conforms with the goals and recommendations of the Sector Plan. Additionally, as described below, the Project also conforms with the associated June 2010 Approved Germantown Urban Design Guidelines (the “Design Guidelines”).

A. Sector Plan Compliance

The proposed development furthers many of the specific goals and recommendations of the Sector Plan.

1. General Sector Plan Recommendations

An overarching goal of the Sector Plan is to create mixed-use neighborhoods. As discussed above, the Project is located within the overall Seneca Meadows development, which currently provides a variety of commercial uses, including R&D/office, various retail/service uses. The proposed Project will contribute to the diversity of uses within the Seneca Meadows Corporate Center, by introducing a residential use that will help to support the other existing uses. Importantly, the townhomes will help meet the County’s housing targets, by providing additional family-sized units.

The Sector Plan also seeks to encourage high quality design. The Project places an emphasis on design excellence, both through the building architecture and landscape/site design. As discussed herein, the townhomes have been designed to provide a contemporary aesthetic with ample articulation, that will define and activate the public spaces.

2. Urban Form

The Project promotes many of the urban design recommendations contained in the Sector Plan, including:

A. Design Framework

- i. Connecting streets, bikeways, and pedestrian routes to encourage walking and improve access (page 20).*

The Project layout promotes both existing and future connectivity. As discussed above, the internal street network has been laid out to facilitate future connections to the adjacent properties if and when they redevelop. Additionally, the Project will provide a 10-foot-wide shared use path on Parcel L, to facilitate pedestrian and bicycle connectivity between Seneca Meadows Parkway and Ridge Road. The internal streets and townhouse layout favor the pedestrian and create a pleasurable pedestrian environment.

B. Street Oriented Development.

- i. Locate buildings adjacent to the street to form a building line of the sidewalk and street that forms public spaces (page 21).*

The proposed townhomes have been located close to the street to create a strong building line, which serves to frame and activate the pedestrian environment. The townhomes will front directly onto Seneca Meadows Parkway, with entrances facing the street to encourage pedestrian activity.

C. Building Form and Façade Design.

- i. Orient buildings along the street with articulated facades and architectural elements that de-emphasize horizontal mass and bulk (page 22).*

The proposed townhomes have been located to define and activate Seneca Meadows Parkway. The building architecture will utilize high-quality building materials and include ample building articulation and architectural elements, to define and activate the street. As discussed in this Statement, the building architecture breaks down the overall mass by highlighting the individual townhouse units, while simultaneously ensuring a complementary design among each stick of units.

D. Parking.

- i. Surface parking, where necessary, should be located behind or to the side of development and screened with building extensions, low walls, or evergreen hedges (page 22).*

Parking will be provided at individual townhouse units with only a limited amount of on-street visitor parking internal to the site.

E. Public Amenities.

- i. *Provide improvements to public streets with streetscaping in accordance with the Germantown Streetscape Plan and incorporate artwork such as special seating, paving, and lighting, where appropriate (page 24).*

The streetscape along Seneca Meadows Parkway has been designed and constructed in accordance with the Germantown Streetscape Plan.

F. Connections.

- i. *An interconnected street network is proposed for all districts and large parcels.*

As discussed herein, the Project incorporates a series of internal private streets, which have been laid out to facilitate future connections to the adjacent parcels, if and when those sites redevelop.

3. Housing

The Sector Plan recognizes the need for new, diverse housing opportunities in Germantown. As the Sector Plan notes, a large number of the MPDUs in the Germantown area have lapsed (Sector Plan, Page 29). As such, new residential development provides an important opportunity to increase the number of MPDUs in Germantown. The Project promotes this goal by adding housing to the Seneca Meadows district and contributing to the diversity of housing types within Germantown. Importantly, the proposed townhomes will meet an unmet demand for larger family-size units within Montgomery County, including for-sale, family-sized MPDUs.

B. Site Specific Sector Plan Recommendations

The Property is located within the Seneca Meadows/Milestone District. This area was designated for mixed-use development. Many of the specific recommendations were based on the assumption that there would be a CCT station located here, which is no longer a planned transit infrastructure improvement. Although a bus rapid transit station is still proposed in the vicinity of the Subject Property under the Corridor Forward Plan, the timing of that is unclear. Regardless, the Project substantially conforms with the goals and recommendations for the Seneca Meadows/Milestone District.

The Sector Plan recommends a mixed-use development with an average density of 1.0 FAR on the Seneca Meadows property (SM-1). The Project seeks to maximize development potential on the Property for a townhouse use.

To ensure that the area retains an employment profile, the Sector Plan recommends a minimum of 70 percent employment and a maximum of 30 percent residential. As discussed

above, the Seneca Meadows development is currently comprised of employment/ commercial uses today. The Project introduces desirable residential development that will support these existing uses. Specifically, the Project proposes 162,401 square feet of residential development, which is only 10.6% of the overall approved development for Seneca Meadows.

The Project also conforms with the Sector Plan recommendations for building height. While there is not a market for high-rise development, as once envisioned to be supported by the CCT, the Project conforms with the minimum building height of three stories.

The Sector Plan also recommends creating a network of new streets with short block lengths. The Project layout promotes this objective by facilitating future inter-parcel connectivity should the adjacent properties redevelop.

C. Germantown Urban Design Guidelines

The Design Guidelines prioritize walkable communities and an attractive public realm (Design Guidelines, Page 7). The Project promotes the following area-wide design objectives:

- *Expanding the street network to improve access and encourage walking;*

As noted herein, the Project proposes an internal street network that has been strategically designed to facilitate future connections to the adjacent parcels if and when they redevelop.

- *Creating attractive and safe streets with trees and other streetscape improvements;*

Seneca Meadows Parkway has already been constructed, providing street trees and a 5 foot-wide sidewalk. The Project seeks to maintain said 5' sidewalk throughout the community. The proposed Project layout, with units fronting directly on Seneca Meadows Parkway, will further enliven the street.

- *Creating recreational opportunities with a network of urban and natural open spaces;*

The Project contributes to the diversity of open within Seneca Meadows. As discussed herein, the Project provides a minimum of 10% public use space. The proposed open space will provide diverse offerings for social interactions and passive recreation.

- *Providing a mix of land uses and housing types that serve a range of income levels;*

The Project adds to the diversity of land uses within Seneca Meadows, which is currently comprised entirely of commercial uses. The Project will provide 12.5% MPDUs, which will provide needed, additional family-sized MPDUs.

- *Using innovative stormwater management techniques.*

The Project will implement Environmental Site Design (ESD) strategies to the maximum extent practicable (MEP). This includes underground devices and several micro-bioretenion

facilities, which are distributed around the site and integrated into the common open space and other landscaped areas. The design will provide most of the required stormwater management volume, however due to site constraints a minimal amount of stormwater waiver will be requested.

Additionally, the Project promotes the Design Guidelines goals for “new development to be oriented toward Seneca Meadows Parkway,” as the townhomes have been oriented with entrances fronting directly on Seneca Meadows Parkway, to define and activate the street.

VII. Private Road Justification

The Project is proposing a series of private streets for the Project, chiefly to implement compliance with the Complete Streets Guide, where roadways are designed and operated to provide safe, accessible, and healthy travel for all users of our roadway system, including pedestrians, bicyclists, transit riders, and motorists. Proposing a public street for the Project is not feasible, due to the lack of connectivity with another existing public street. Stormwater management is not permitted within public roads but allowed within private roads encouraging the implementation of creating a progressive application of Environmental Site Design (“ESD”) stormwater management. Private roads also provide flexibility with street trees and minimum tree canopy coverage requirements. Lots containing proposed buildings adjacent to private roads can be modified to allow for various architecture types to limit encroachments.

In accordance with Section 4.3.E.4.b of the Subdivision Regulations, the following lists design elements and justification of the proposed private roads that do not meet public road standards for a residential street. The *Montgomery County Complete Streets* manual, “Neighborhood Streets” best describes the proposed street type of all private streets. Neighborhood Streets serve predominantly residential areas with low volumes of motor vehicle traffic, focusing on slow speeds, pedestrian safety, healthy street trees and well-defined routes to nearby parks, transit, and schools.

In order to be considered for approval as a private street under Section 4.3.E.4.d. of the Subdivision Regulations, a proposed road must not:

- *Be needed to maintain area circulation.*

As described above, the proposed Private Streets are internal to the proposed development. They do not serve area circulation and are only needed for circulation within the Project.

- *Provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis.*

The proposed Private Streets are not part of a continuous corridor and are not part of the network modeled for the area capacity.

- *Is not needed to be part of the network modeled for area capacity.*

The proposed Private Streets are not necessary to serve the general public needs for communication, utility, or future potential transportation.

Private Streets – Neighborhood Street (MC-2002.02- Secondary Residential Street)

Right of way width of- 60'

Travel Lanes- 10' (parking side), 11.5' (no parking side)

Parking Lane- 8'

Street Buffer- 8'

Sidewalk- 5'

Maintenance buffer- 2'

VIII. Noise Waiver

The 1983 Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (the “Noise Guidelines”) regulate noise levels in private areas. The interior of the buildings will comply with the noise guidelines. However, the backyards of the northern-most units fronting on Ridge Road will slightly exceed the noise levels even after the installation of an 11 foot tall wall for noise attenuation (e.g. 65 dBA proposed, as compared to 60 dBA allowed). As such, the Applicant is requesting that the Planning Board approve a waiver, as permitted under Section 2.2.2 of the Noise Guidelines. The proximity of the rear yards to Ridge Road is the result of the site layout, which is driven by the size and configuration of the Property and urban design objectives of the County. Given the tight nature of this site, the northern-most units are not able to setback further from Ridge Road without losing units, which is contrary to the County’s housing goals. As noted, the Applicant has incorporated abatement techniques listed in the Noise Guidelines (e.g. a 11 foot tall wall). In order to attenuate the noise levels below 60 dBA, the wall would need to be 16 feet tall. The increased wall height would create a canyon effect in the very modest rear yards that are provided, which the Applicant believes would have a greater adverse impact to resident enjoyment of these private spaces (as compared to the modest increased noise levels). Additionally, the 16 foot wall would result in significant increased costs to this residential development. Importantly, the Board is able to approve a waiver pursuant to Section 2.2.2 because (1) the proposed residential use is not based on outdoor activities and internal ventilation of the units permits year-round closing of windows, and (2) exterior noise attenuation is not feasible, for the reasons discussed herein (the Guidelines specifically recognize that noise attenuation measures may be deemed infeasible due to economics, aesthetics or site-related constraints of size, shape or topography).

IX. Design Modification for Complete Streets Design Guidelines

The Applicant is requesting a waiver from the Complete Streets Design Guidelines for the Property's frontages. The Property has frontage on Seneca Meadows Parkway (a Town Center Boulevard) and Ridge Road (a Controlled Major Highway). Per the Complete Streets Design Guidelines, Seneca Meadows Parkway is recommended to have an 8-10 foot sidewalk separated by a 6 – 8 foot street buffer. Seneca Meadows Parkway currently has a uniform streetscape that was installed when the roadway was initially constructed circa 2000, which provides a five-foot sidewalk separated from the street by a seven-foot tree panel. Given the passage of time, this streetscape now contains nice mature trees. The Property is requesting to retain the existing streetscape improvements. The Property has a very narrow frontage along Seneca Meadows Parkway (only approximately 210 feet). Widening of the existing sidewalk by a few feet for this short stretch would interrupt the uniformity of the streetscape and result in undesirable impacts to the existing, mature street trees. The Applicant does not believe these impacts are justified by the small stretch of widened sidewalk that would result (only approximately 150 linear feet of sidewalk, given that the sidewalk will need to taper back down to 5 feet on either end of the site). Importantly, the existing frontage currently provides a pleasing pedestrian environment that will promote pedestrian circulation.

Ridge Road is recommended for 8-11 foot-wide sidepath and minimum 10 foot-wide street buffer. The Property's frontage on Ridge Road is currently improved with a five-foot sidewalk, separated from the street by a six-foot tree panel. Improvements to this frontage would significantly impact the existing vegetative buffer that exists along this frontage, as the widening of the sidewalk would also require regrading of the existing drainage swale. The existing streetlight would also need to be relocated. The existing frontage improvements are part of a consistent streetscape along Ridge Road that runs for over a mile up to Brink Road. Given the location of the Property in close proximity to the I-270 off-ramp, the consistent streetscape that is provided along Ridge Road today, and the impacts to existing vegetation that would result from any modifications, the Applicant is requesting a waiver to maintain the existing frontage improvements.

X. Findings Required for Preliminary Plan Amendment Approval

This portion of the Statement provides justification that the Preliminary Plan satisfies the applicable provisions of Section 50, et seq., of the Montgomery County Code (the "Subdivision Regulations").

A. Subdivision Regulation Compliance

The Preliminary Plan reflects that the size, width, shape, and orientation of the proposed lots/parcels will be appropriate for the location of the proposed subdivision.

B. Substantial Conformance to the Sector Plan

The Project substantially conforms to the Sector Plan and associated Design Guidelines, as discussed in detail in Section VI above.

C. Adequate Public Facilities

The Planning Board has previously determined that adequate public facilities for transportation exist for the overall development. Pursuant to Condition 1 of Preliminary Plan No. 11998004, the APF limited the Overall Property development to a maximum of 1,577,000 square feet of office/R&D space and 83,000 square feet of retail. The proposed Preliminary Plan Amendment seeks to convert 162,401 square feet of approved office density into residential development. As demonstrated by the Traffic Statement prepared by Gorove Slade, submitted concurrently with this Statement, the proposed Preliminary Plan Amendment will result in net reduction of -10 AM and -5 PM peak hour vehicle trips. As such, there will continue to be adequate transportation facilities to accommodate the proposed Project.

The Project is served by the William B. Gibbs, Jr. Elementary School, Neelsville Middle School, and Seneca Valley High School. The updated FY 2025 Annual Schools Test indicates that there is adequate capacity for all three school levels (*i.e.* there is no Utilization Premium Payment).

The Project is already served by existing water and sewer. The Overall Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines.

Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Annual Growth Policy and will continue to be sufficient following completion of the Project.

D. Forest Conservation

The Project is subject to the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). A Natural Resources Inventory/ Forest Stand Delineation Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Overall Property on November 21, 1997 (No. 4219980230). With each phase of development, the Final Forest Conservation Plan was approved as part of the individual Site Plan approvals. The plans has been modified several times to account for project specific conditions. The Project will comply with the Forest Conservation Ordinance and provide 0.00 acres of afforestation in an off-site forest bank or via fee-in-lieu.

E. Sediment Control/ Water Quality

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Since the Overall Property is not located within a Special Protection Area, a Water Quality Plan is not required. A Stormwater Management Concept Plan for the complete Seneca Meadow Development was approved by The Montgomery County Department of Permitting Services (MCDPS) on November 16, 2012. The Project has prepared an updated Stormwater Management Concept Plan to reflect the proposed development, which has been submitted to MCDPS for their concurrent review. The Project will provide Environmental Site Design ("ESD") to the maximum extent practicable through the use of bioretention facilities and modular wetlands.

A Sediment and Erosion Control Plan will be submitted to DPS for approval prior to commencement of construction.

XI. Findings Required for Site Plan Amendment Approval

A. Objectives

Section 59-D-3.4 establishes the findings required for approval of a site plan application. As set forth below, the Project satisfies each of these requirements:

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

This provision is not applicable.

- 2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As discussed above, the Project does not result in an expansion of the overall square footage approved under the Preliminary Plan for the Overall Property. Further, as illustrated on the Site Plan submitted, the proposed Project satisfies all requirements of the TMX-2 zone, under which the Project is legacy protected. This Property is not located within an urban renewal area.

- 3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Site Plan has been designed to ensure that the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe and efficient. As discussed in detail in this Statement, the internal roadways have been strategically laid out to facilitate necessary internal circulation and allow for inter-parcel

connectivity, if and when the adjacent properties redevelopment. The internal street network, combined with the building layout, creates a safe and attractive pedestrian environment. The open space has been centrally located and is framed by the internal public streets and individual units to promote safety.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The Project is physically compatible with, and not detrimental to, existing and future development surrounding the Property. In fact, the proposed residential development will help to support the surrounding commercial uses and help to provide additional 24/7 activation of this area.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

As discussed in Section X, the Project conforms with the requirements of the Chapter 22A and 19 of the Montgomery County Code.

XII. Community Outreach

The Applicant hosted a formal pre-submission outreach meeting through the ZOOM meeting platform on March 26, 2025. Notice was properly given for the pre-submission community meeting in accordance with the standards set forth in the Administrative Procedures for Development. The sign-in sheet and meeting minutes are being submitted concurrently as part of this Application.

XIII. Conclusion

As demonstrated by this Statement, the Application complies with the requirements of the Zoning Ordinance that govern development under the TMX-2 Zone. Furthermore, the Project promotes the goals and objectives of the Sector Plan. Importantly, these Applications will facilitate the next phase of the Seneca Meadow Development and will provide desirable additional housing to support the surrounding commercial uses and in furtherance of County's housing targets. The Applicant is excited to move forward with this Project. For all the reasons discussed herein, the Applications should be approved.